

3 FAM 7220 PROCESSING FOR EMPLOYMENT

3 FAM 7221 APPLICATION

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

Each applicant for employment should complete, or have someone complete for them, four copies (three if at a post where a regional security officer is assigned) of Form OF-174, Application for Employment in the Foreign Service of the United States. See 3 FAH-2H, Chapter 3, for procedures for processing employment of FSNs.

3 FAM 7222 SECURITY AND SUITABILITY INVESTIGATION

3 FAM 7222.1 Policy

3 FAM 7222.1-2 Initial Appointment

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

Heads of overseas establishments may appoint (FSN) employees only after:

- (1) A personal interview has been conducted;
- (2) A completed Form OF-174, Application for Employment in the Foreign Service of the United States, has been reviewed;
- (3) All appropriate host government and post records have been checked; and
- (4) At least a temporary security certification, good for 120 days, has been issued by the post security officer. The post security officer may issue extensions of the initial 120 day temporary security certification.

3 FAM 7222.1-2 Employment With Temporary Security Clearance

(TL:PER-237; 1-1-95)
(Uniform State/USAID/USIA/Commerce/Agriculture)
(Applies to Foreign Service Nationals Only)

Employment beyond 120 days of persons hired with only a temporary security certification is contingent upon completion of a detailed local security and suitability investigation, review of each case by the appropriate regional security office, and issuance of a final security certification by the regional security officer.

3 FAM 7222.1-3 PSCs and TCNs

(TL:PER-237; 1-1-95)
(Uniform State/USAID/USIA/Commerce/Agriculture)
(Applies to Foreign Service Nationals Only)

Personal services contract (PSC) employees and TCNs will be subject to the same investigative and certification procedures as FSN employees.

3 FAM 7222.1-4 Foreign Contractors

(TL:PER-237; 1-1-95)
(Uniform State/USAID/USIA/Commerce/Agriculture)
(Applies to Foreign Service Nationals Only)

Foreign contractors and their employees will be subject to the same investigative and certification procedures as FSN employees when the proposed contract requires or permits:

- (1) Services to be rendered in a manner or under working conditions similar to those prevailing for FSN employees; or
- (2) Regular and emergency maintenance services not under surveillance to be performed in U.S. Government occupied office space.

3 FAM 7222.1-5 Recertification

(TL:PER-237; 1-1-95)
(Uniform State/USAID/USIA/Commerce/Agriculture)
(Applies to Foreign Service Nationals Only)

Recertification is required when:

—The certification of a FSN employee, TCN employee, or contractor has not been revalidated within the past five years; or

—A contractor's services have not been used for a period of one year.

3 FAM 7222.2 Procedures

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

— See 3 FAH-2H, Chapter 3.

3 FAM 7223 MEDICAL REQUIREMENTS

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

Candidates for appointment as a FSN employee must be examined prior to appointment as required in 3 FAM 7120.

3 FAM 7224 EMPLOYMENT CONDITIONS AND PROHIBITIONS

3 FAM 7224.1 Employee Conduct Regulations

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

Each head of an overseas establishment is responsible for informing prospective FSN employees of the Government-wide standards of conduct in 5 CFR Part 2635 and the uniform State/USAID/USIA/ Commerce/Agriculture regulations in 3 FAM 4100 (to be published) on employee responsibilities and conduct, applicable to FSN as well as U.S. citizen employees. For USAID, see Handbook 24, Chapter 2 Employee Responsibilities, Conduct, and Political Activity.

3 FAM 7224.2 Other Conditions of Employment

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

Prospective employees also must be informed of the following additional conditions.

3 FAM 7224.2-1 Host Government Laws and Regulations

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

a. FSN personnel programs conform as closely as feasible with local law and customs, but must be based on and administered in accordance with U.S. laws and regulations.

b. It should be emphasized to FSN employees that they are obligated to observe laws of the host government, including those concerning income and related tax obligations. Payment of such taxes is a matter between the employee and the host government. In the absence of Department approval, the U.S. Government may not withhold foreign tax from an employee's salary.

c. An employee may find it helpful to make an allotment of pay to a savings account upon which to draw to meet a tax obligation.

—For State and USIA see 4 FAM;

—USAID, see Handbook 26, Position Classification, Pay, and Allowances, regarding allotments of pay.)

3 FAM 7224.2-2 Classified Information

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

An FSN employee is not authorized access to classified material or to material containing loyalty or security information, except in the limited circumstances specified in 5 FAM. (See 5 FAM regarding limited access to administratively controlled information.)

3 FAM 7224.2-3 U.S. Citizenship

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

If it is determined that an FSN employee has U.S. citizenship, that employment must be terminated. (For State, see 3 FAM 2210 and 3 FAM 2900 (to be published); for USIA see MOA V-B 354; and for USAID, see Handbook 25, Employment and Promotion, regarding the possibility of American staff appointments in such circumstances.) An applicant who has U.S. citizenship may not be hired as an FSN employee. However, U.S. citizens resident in the host country and spouses and dependents of U.S. Government employees located at post may be employed in FSN positions (see 3 FAM 2900 (to be published) and H-2900).

3 FAM 7224.2-4 Union Participation

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

a. Title VII of the Civil Service Reform Act of 1978 Public Law 95-454, and chapter 10 of the Foreign Service Act of 1980, are not applicable to FSN employees.

b. No official recognition may be given to FSN unions as such unions are not subject to the controls that exist in the relationship between a U.S. union and the Federal employee.

c. If approached by a union through the host government, the establishment may cooperate with the host government to the extent of distributing union informational matter, but will make it clear to local authorities and FSN employees that it cannot officially recognize the union as a bargaining agent; that the establishment is not responsible for the content of the material,, cannot participate actively in any membership drive or other activity of the union, and cannot encourage FSN employees to join the union.

d. Any payment of union dues is on a voluntary basis, and a check-off of union dues is prohibited.

3 FAM 7224.2-5 Prohibition Against Striking

(TL:PER-237; 1-1-95)

(Uniform State/USAID/USIA/Commerce/Agriculture)

(Applies to Foreign Service Nationals Only)

5 U.S.C. 3333 and implementing regulations require the completion upon entry on duty of an affidavit as to striking against the Federal Government (see 3 FAM 7242). Notwithstanding failure to affirm the employee's understanding of this prohibition, all foreign national employees are subject to the limitation of 5 U.S.C. 7311 that an employee may not participate in a strike against the U.S. Government. Such participation is grounds for immediate dismissal.

3 FAM 7225 THROUGH 7229 UNASSIGNED